

REMARKS

Claims 1-33 are pending. Of those, claims 1, 13, 20-24 and 26 are independent. By this reply, new dependent claims 30-33 have been added.

Rejection Under 35 U.S.C. § 112

On page 2 of the Office Action, claims 1, 6, 7, 13, 17, 28 and 29 rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Applicant traverses.

More particularly, the Examiner has observed that the claim terminology, "a set of commands representing a script or program," can be interpreted two ways with regard to the meaning of the word "representing" included therein. The Examiner's first interpretation is that such a set can be a URL of a script, while the second interpretation is of the commands which themselves are contained in a script. By this reply, Applicant has clarified the claim language to pursue the latter definition. More particular, the claim language regarding the set has been changed to recite, e.g., as in claim 1, "a set of commands that are to be contained in a script or program."

In view of the foregoing discussion, withdrawal of the § 112, second paragraph, rejection is requested.

Rejections Under § 102 Over '023 Patent

Beginning on page 3 of the Office Action, claims 1, 2, 3, 7, 10, 13-15, 17 and 20-23 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,598,023 to Drummond et al. (the '023 patent). Applicant traverses.

In making the § 102 rejection, the Examiner has applied the first interpretation (mentioned above) to the claim language. Accordingly, the Examiner asserts that the claimed set of commands is anticipated by the purported teaching in the '023 patent of a URL representing an HTML script

that is accessed through the HREF command in an HTML document. Assuming for the sake of argument that the '023 patent can be considered such a teaching, a URL *per se* cannot be considered a set of claims that are to be contained in a script or program.

As noted above, Applicant has amended independent claims 1 and 13 to pursue the second interpretation suggested by the Examiner. A distinction of each of independent claims 1 and 13 over the '023 patent is a first web page configured to accommodate a set of commands that are to be contained in a script or program. While a URL might point to a file that stores a set of commands which constitute a script or program, the URL itself is not a set of commands to be contained in a script or program. Claims 2, 3, 7, 10, 20 and 22 depend at least indirectly from claim 1, respectively, and thus share at least the distinction of claim 1 by dependency. Claims 14, 15, 17, 21 and 23 depend at least indirectly from claim 13, respectively, and thus share at least the distinction of claim 13 by dependency.

In view of the foregoing discussion, the § 102(e) rejection over the '023 patent is improper and Applicant requests that it be withdrawn.

Rejection Under § 102 Over '339 Patent

Beginning on page 7 of the Office Action, the Examiner has maintained the rejection of claims 24 and 26 under § 102(e) as being anticipated by U.S. Patent No. 6,516,339 to Potts, Jr. et al. (the '339 patent), and extended the rejection to further include claims 28 and 29. Applicant traverses.

The Examiner has refined his interpretation of the '339 patent by stating (page 7 of the Office Action): "[T]he server causes other systems to be manipulated (Col. 1, lines 30-33), . . ." As in the previous response, Applicant reprints lines 29-33 of column 1 of the '339 patent as follows:

An example of a client/server computing model is the World Wide Web (Web) on the Internet. A Web browser resident on a client computer communicates with a Web server which typically queries back-end systems and returns the results of the queries back to the client.

Applicant is willing to assume for the sake of argument that the above-quoted passage is a teaching to manipulate a back-end system via submission of a query thereto, which causes the back-end system to return results of the query as part of the normal operation of the back-end system. As such, if Applicant merely recited in claim 24 that the server executes the executable file thereby causing the separate system to be manipulated, then Applicant would agree that the '339 patent is an anticipation.

But Applicant has not merely claimed the server executing the executable file thereby causing the separate system to be manipulated in any way whatsoever. Rather, Applicant has claimed a server executing the executable file thereby causing the separate system to be manipulated to change operation thereof. By maintaining the rejection, the Examiner has treated the phrase "manipulated to change operation thereof" as being the same as the term "manipulated." This disregards the clause "to change operation thereof," which is unreasonable and improper.

Applicant again submits that a distinction of claim 24 over the '339 patent is the server executing the executable file thereby causing the separate system to be manipulated to change operation thereof. When the back-end system is queried by a web server, the query does not change operation of the back-end system. Unchanged, or (in other words) normal, operation of the back-end system includes responding to queries.

Claim 28 depends from claim 24 and possesses at least the distinction of claim 24 by dependency.

Independent claim 26 recites a feature similar to the distinction of claim 24 over the '339 patent, which correspondingly distinguishes over the '339 patent. Claim 29 depends from claim 26 and possesses at least the distinction of claim 26 by dependency.

In view of the foregoing discussion, § 102 rejection of the claims over the '339 patent is improper and Applicant requests that it be withdrawn.

§ 103 Rejections Based Upon '023 Patent

Beginning on page 8 of the Office Action, the Examiner rejects claims 4-6, 8-9, 11-12, 16 and 18-19 over various combinations of references for each of which the '023 patent is the primary reference. Applicant traverses.

None of the references that assertedly would have been used to modify the '023 patent can be considered a teaching of the distinctions over the '023 patent, noted above. Accordingly, each of the rejections based upon a combination of references for which the '023 patent is the primary reference is improper. And Applicant requests that each be withdrawn.

§ 103 Rejection Based Upon '339 Patent

Beginning on page 15 of the Office Action, claims 25 and 27 are rejected under § 103(a) as being obvious over a combination of the '339 patent as modified according to U.S. Patent No. 6,269,254 to Mathis (the '254 patent). Applicant traverses.

The '254 patent cannot be considered a teaching of the distinction (noted above) over the '339 patent. Accordingly, the § 103 rejection of claims 25 and 27 based upon a combination of the '339 patent and the '254 patent is improper and Applicant requests that it be withdrawn.

New Claims 30-33

Again, by this reply, claims 30-33 have been added. As claims 30-33 depend from claims 1 and 13, respectively, each possesses at least the respective distinction of claims 1 and 13 by dependency.

CONCLUSION

The issues in the case were considered to be resolved. Accordingly, Applicant again requests a Notice of Allowability.

Person to Contact

In the event that any matters remain at issue in the application, the Examiners are invited to contact the undersigned at (703) 668-8000 in the Northern Virginia area, for the purpose of a telephonic interview.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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AMENDMENTS TO THE ABSTRACT

The following is a marked up version of the Abstract in which underlines indicate insertions and strikethrough indicates deletions.

Methods, software and devices, for use in a network environment having a host, e.g., a server and a terminal with a web browser running on it, where the browser is remote from the server, are disclosed. Such methods (from the server perspective, and from the browser perspective) are a method is for virtually running an executable file where it seems that the executable file is executed by the terminal having the browser yet actually the executable file is passed to the server for execution. ~~Such a method comprises the server proving a first web page to the web browser on the remote terminal, the first web page being configured to received text representing an executable file; the server receiving the text from the web browser at the remote terminal; the server executing the text; and the server providing and/or updating a second web page to the remote terminal that includes real time results generated by the execution of the text such that the executable file represented by the text seems to a user of the web browser to have been executed at the remote terminal. A corresponding method for the web browser is also provided. The method is~~ Such methods are especially suited for use with the wireless automation manager interface language, WAMIL, that is used with monitoring and testing interfaces to wireless communication networks.

Abstract

Methods, software and devices, for use in a network environment having a host, e.g., a server and a terminal with a web browser running on it, where the browser is remote from the server, are disclosed. Such a method is for virtually running an executable file where it seems that the executable file is executed by the terminal having the browser yet actually the executable file is passed to the server for execution. Such a method comprises the server proving a first web page to the web browser on the remote terminal, the first web page being configured to receive text representing an executable file; the server receiving the text from the web browser at the remote terminal; the server executing the text; and the server providing and/or updating a second web page to the remote terminal that includes real time results generated by the execution of the text such that the executable file represented by the text seems to a user of the web browser to have been executed at the remote terminal. A corresponding method for the web browser is also provided. The method is especially suited for use with the wireless automation manager interface language, WAMIL, that is used with monitoring and testing interfaces to wireless communication networks.

DOCKET #2925-0485P